

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Rathod Sushma D/o Rama Rao by the Collector & District Magistrate, Adilabad District vide Procgs. Rc.No.C3/2596/2019-53, dated 31.01.2020- Appeal filed by Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 1

Date: 02.1.2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs.Rc.No.C3/2596/2019-53, dt.31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District, dated 26.02.2020.
4. Govt.Memo.No.330/TW.LTR/2020, dated 08.06.2020 & 31.08.2020.
5. Lr.Rc.No.D5/309/2018, dated:31.08.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Note received from the Hon'ble M(STW), C.No.220/N/M(STW&CW)/2020, Dt.21.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District is not a Local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee:

- Applicant Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal appeared before the Committee on 21.11.2019 and submitted the following documents in support of her claim:
 - 1954-55 Khasra pahani reveal that Sri Chandu S/o Deepla is the pattedar of Sy.No.19 situated at Morkhandi village of Bazarhathnoor Mandal.
 - Pahanies 1969-70 to 1990-91 reveal that Sri Chandu S/o Deepla who is said to be the brother to his great grandfather and who is standing as pattedar in Sy.No.19 at Morkhandi village of Bazarhathnoor Mandal but here the relationship between Chandu and Harisingh who is called as his great grandfather is not established.

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- Pahanies 2000-01 to 2010-11 pahani in favour of Dharmu S/o Harisingh who is claimed to be grandmother's of the applicant bearing Sy.No.19 at Morkhandi village of Bazarhathnoor Mandal.
- 1977 voter list applicant grandfather Jemla & mother Gangubai.
- Scrutiny Committee in its final hearing on 06.12.2019 has concluded with the following findings:
 - That the Tahsildar, Bazarhathnoor has not issued any Agency Certificate for want of required documents of 1950 or prior to 1950.
 - The candidate has failed to submit LST certificate by Tahsildar before the committee to prove her genuineness regarding LST.
 - The candidate has failed to submit any land record of her own to claim the benefits of LST. But, however she claims that Chandu (Pattedar of Sy.No.19) is brother of Harisingh but no documentary proof to establish the relationship is furnished that too not since 1950.
 - In this case neither Chandu nor Harisingh relationship between the candidate is not established by any document.
 - A show cause notice was issued to Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal directing to attend before the Dist. Collector, Adilabad on 31.01.2020 to prove her claim as Local Schedule Tribe with relevant material/documents.
 - Accordingly, Rathod Sushma D/o Rama Rao attended before the Dist. Collector, Adilabad on 31.01.2020. Though ample time was given, she failed to submit required documentary evidence or clear explanation to issues raised.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government. The contentions of Rathod Sushma D/o Rama Rao and the documents submitted along with the Appeal are as follows:

- She has been selected for the post of TRT (Teacher) under Area Agency local ST.
- Before 1950 their grand-parents viz., Gangubai D/o Harisingh and Jemla S/o Bhaksha lived in Ade village.
- After marriage with Gangubai, her grandfather Jemla S/o Bhaksha migrated to great grandfather's house in adoption – there is evidence of village elders and land record for this.
- There is evidence of land record for 1357 Fasli (1947 year) in the name of Harisingh (great grandfather). After his death,

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his brother i.e. another great grandfather Chandu came into possession of land in Sy.No.19 as recorded in 1954-55 pahani as pattedar.

- Son of paternal uncle of Bhikku namely Dharma S/o Harisingh recorded in cultivation in 1969-70 and 1977-78.
- In the year 1983-84 land was apportioned between Bhikku S/o Chandu and Dharma S/o Harisingh.
- From 1969 to 1979, the officers working at that time mistakenly recorded the name of Chandu instead of Harisingh but from 1983-84 onwards Bhikku S/o Chandu and Dharma S/o Harisingh are shown separately in the land records.
- In the year 2012, her grandfather Dharma S/o Harisingh was expired. Then in Sy.No.58, 2 acres of land situated in Morkhandi sivar has been given to her mother Premala W/o Rama Rao. Therefore, the appellant has requested to verify the land records and the family tree and do justice to her.
- She further stated that Harisingh is her great grandfather. His name was recorded in the Pahani of 1357 Fasli (1947 year) in Sy.No.19. After his death before 1950, brother of great grandfather Harisingh namely Chandu's name was recorded in the Khasra pahani. If the Khasra pahani is examined in depth, the relation between Harisingh and Chandu will be established.
- She submitted the said 1357 Fasli in the MRO office, but they could not verify and understand it properly and rejected for issue of Agency Area Certificate. The record prior to 1950 appears missing in the MRO office.
- Though she submitted 1947 document, MRO did not issue Agency Certificate and hence she could not submit the same to the Committee.
- She has blood-relation with Harisingh and Chandu – therefore, her grandfather gave 2 acres of in Sy.No.58 situated at Morkhandi sivar to her mother Premala W/o Rama Rao.

Documents submitted along with the Appeal and during hearing on 05.09.2020:

- i) As per Family Tree mentioned duly signed by the village elders:
 - **Dipla** is great great grandfather of appellant. He has two sons viz., 1) Harisingh (great grandfather of appellant) and 2) Chandu.

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- **Harisingh** (great grandfather of appellant) has two children viz., 1) Gangubai (grandmother of appellant) and 2) Dharma and brother of **Harisingh i.e. Chandu** has two children i.e. 1) Dhoribai (daughter) and 2) Bhikku (son).
 - **Gangubai** i.e. grandmother of appellant has five sons viz., 1) Bharath 2) Rama Rao (father of appellant) 3) Angur 4) Rohidas and 5) Dhannu.
 - **Dharma** i.e. brother of grandmother and son of Harisingh has five children viz., 1) Arjun 2) Biju 3) Premala (mother of appellant) 4) Krishna and 5) Marothi. **Premala was married to Rama Rao i.e. son of Gangubai who is sister of Dharma.**
 - **Rama Rao** i.e. father of appellant has six children viz., 1) Saroja 2) Kishore 3) Rama (appellant) 4) Sushma 5) Shilpa and 6) Vikas.
- ii) Fasli 1357 (year 1947) – shows name of Harisingh S/o Dipla in Sy.No.19 for an extent of acs.13.24 in village: Gokonda.
- iii) Fasli 1954-55 – village: Gokonda – Mandal: Bazarhathnoor – shows name of Lambadi Chandu S/o Dipla (Chandu is younger brother of Harisingh i.e. great grandfather of appellant) for an extent of acs.13.27 in Sy.No.19.
- iv) Pahani 1969-70 – village: Gokonda – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu (son of younger brother of Harisingh i.e. great grandfather of appellant) for an extent of acs.13.27 in Sy.No.19.
- v) Pahani 1977-78 – village: Gokonda – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu (son of younger brother of Harisingh i.e. great grandfather of appellant) for an extent of acs.13.27 in Sy.No.19.
- vi) Pahani 1983-84 – village: Gokonda – Mandal: Bazarhathnoor – show names of 1) Lambadi Bhikku S/o Chandu R/o Morkhandi (i.e. son of younger brother of Harisingh i.e. great grandfather of appellant) for an extent of acs.6.33 gts in Sy.No.19/A and 2) Lambadi Dharma S/o Harisingh (i.e. son of great grandfather of appellant Harisingh and also maternal grandfather of appellant i.e. father of mother of appellant by name Premala) – acquired through family partition.
- vii) Pahani 1990-91 – village: Gokonda – Mandal: Bazarhathnoor – shows name of Lambadi Dharma S/o Harisingh R/o Morkhandi village for an extent of acs.6.34 gts in Sy.No.19/AA.

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- viii) Pahani 1990-91 – village: Gokonda – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu R/o Morkhandi village for an extent of acs.6.33 gts in Sy.No.19/A.
- ix) Pahani 2000-01 – village: Gokonda – Mandal: Bazarhathnoor – show names of 1) Bhikku S/o Chandu for an extent of acs.6.33 gts in Sy.No.19/A and 2) Dharma S/o Harisingh for an extent of acs.6.34 in Sy.No.19/AA.
- x) Pahani 2010-11 – village: Gokonda – Mandal: Bazarhathnoor – show names of 1) Bhikku S/o Chandu for an extent of acs.6.31 gts in Sy.No.19/A and 2) Dharma S/o Harisingh for an extent of acs.6.33 in Sy.No.19/AA.
- xi) Pahani 1954-55 – village: Morkhandi – Mandal: Bazarhathnoor – shows name of Lambadi Chandu S/o Dipla R/o Kandiguda in Sy.No.58 for an extent of acs.11.35 gts purchased under sada sale agreement dt.5.3.1952 from the pattedar Ambharao.
- xii) Pahani 1966-67 – village: Morkhandi – Mandal: Bazarhathnoor – shows name of Lambadi Chandu S/o Dipla for an extent of acs.11.35 in Sy.No.58.
- xiii) Pahani 1970-71 – village: Morkhandi – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu for an extent of acs.11.35 in Sy.No.58.
- xiv) Pahani 1973-74 – village: Morkhandi – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu for an extent of acs.11.35 in Sy.No.58.
- xv) Pahani 1980-81 – village: Morkhandi – Mandal: Bazarhathnoor – shows name of Lambadi Bhikku S/o Chandu for an extent of acs.11.35 in Sy.No.58.
- xvi) Pahani 2001-02 – village: Morkhandi – Mandal: Bazarhathnoor – show names of 1) Lambadi Bhikku S/o Chandu for an extent of acs.5.38 gts in Sy.No.58/A and 2) Dharma S/o Harisingh for an extent of acs.5.37 in Sy.No.58/AA.
- xvii) Pahani 2010-11 – village: Morkhandi – Mandal: Bazarhathnoor – show names of 1) Lambadi Bhikku S/o Chandu for an extent of acs.5.38 gts in Sy.No.58/A and 2) Dharma S/o Harisingh for an extent of acs.5.37 in Sy.No.58/AA.
- xviii) Copy of Revision Register – 2016 – village: Morkhandi – Mandal: Bazarhathnoor – speaks about transfer of property in the name of Pawar Sundhabai W/o Dharma R/o Gulabthanda H/o Morkhandi due to death of pattedar Sri Dharma S/o Harisingh R/o Gulabthanda H/o Morkhandi

who was pattedar for land to an extent of acs.5.37 in Sy.No.58/AA.

- xix) Copy of Village Pahani as on 24.2.2020 (for the year 2018-19) pertains to Morkhandi village of Bazarhathnoor Mandal – shows name of Rathod Premala (mother of appellant) for an extent of acs.2.00 in Sy.No.58/AA/3.
- xx) Voter list for the year 1977 of 241 Boath Assembly Constituency – Part No.143 – village: Morekhandi – Firka: Hathnoor – Taluq: Boath – Dist. Adilabad – show names of 1) Pawar Bhikya S/o Chandu at Sl.No.71 under H.No.1-25 (Bhikku is son of Chandu – Chandu is brother of Harisingh i.e. great grandfather of appellant) 2) Pawar Dharma S/o Harisingh (i.e. maternal grandfather – father of mother Premala) 3) Sudharbai W/o Dharma under H.No.1-36 4) Rathod Jemla S/o Bhaksha and Gangubai W/o Jemla (paternal grandparents of appellant i.e. parents of Rathod Sushma Rao i.e. father of appellant).
- xxi) Copy of Census of 1961 – village: Morkhandi – Taluq: Boath – Dist. Adilabad – shows name of Jemla S/o Bhaksha under H.No.4-24.
- xxii) Copy of Community & Date of Birth Certificate dated 06.01.2015 issued by Tahsildar, Bazarhathnoor certifying that Kumari Rathod Sushma D/o Rama Rao of Morkhandi village belongs to Lambadis-Sl.No.29 (ST) and her Date of Birth is 2.4.1996 as per school records where she studied.
- xxiii) Copy of Residence Certificate dated 06.01.2015 issued by Tahsildar, Bazarhathnoor to Kumari Rathod Sushma D/o Rama Rao of Morkhandi village at Door No.2-2 locality/landmark: Gulabthanda, is residing at the above address since last 18 years.
- xxiv) Copy of Certificate of Proof of Local ST Candidate (Agency Certificate) bearing Rc.No.C/43/2016, dt.06.02.2016 issued by Tahsildar, Bazarhathnoor to Kumari Rathod Sushma D/o Rama Rao certifying that she belongs to ST-Lambadis caste – her grandfather's name is Rathod Jemla S/o Baksha was enrolled at PS No.143 Sl.No.101 H.No.1-42 of 1977 voter list of 241 Boath (ST) Assembly Constituency and her forefathers are residing at Morkhandi village of Bazarhathnoor Mandal of Adilabad District which falls within the scheduled area from 26.01.1950.
- xxv) Copy of panchanama dated 16.10.2018 drafted by VRO Morkhandi and Revenue Inspector, Bazarhathnoor for confirmation of residence in Agency in respect of Rathod Sushma D/o Rama Rao R/o Morkhandi (Gulabthanda) – panchas are: 1) Rathod Ramjinaik, aged 80 years 2) Jadhav Narayan, aged 64 years and 3) Rathod Hari aged 76 years all residents of Gulabthanda H/o Morkhandi – wherein they stated that the applicant and her forefathers/grandfather and great grandfather namely

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Rathod Jemla S/o Bhaksha was living in the same village by birth doing cultivation. In the same village, another grandfather Pawar Harisingh S/o Deepla was having land in Sy.No.19 extent 13.19 acres in Gokonda sivar village. Rathod Jemla was married to Pawar Gangubai D/o Harisingh. Rathod Jemla was given laoni patta of 3.00 acres by Government in the year 1960 in Gokonda sivar.

4. During the hearing 5.09.2020, the appellant has submitted the following documents additionally:

- i) Family Tree (from father side) duly attested by Sarpanch of GP Gulabthanda, Mandal: Bazarhathnoor witnessed by 1) Rathod Ramjinaik 2) Jadhav Kaniram 3) Jadhav Narayana 4) Jadhav Chandrabhan and 5) Rathod Baliram – as per this:
 - Bhaksha is great grandfather of appellant and he has four sons viz., 1) Jemla (grandfather of appellant) 2) Patya 3) Umaji and 4) Sakaram.
 - Jemla (grandfather of appellant) has five sons viz., 1) Bharat 2) Rama Rao (father of appellant) 3) Angoor 4) Rohidas and 5) Dhannu.
 - Rama Rao (father of appellant) has five children viz., 1) Saroja (daughter) 2) Kishore (son) 3) Rama (daughter and appellant) 4) Sushma (daughter) 6) Silpa (daughter) and 6) Vikas (son)
- ii) Copy of panchanama/declaration by village elders duly attested by Sarpanch, GP Gulabthanda of Bazarhathnoor Mandal – panchas are: 1) Rathod Ramjinaik, aged 85 years 2) Jadhav Kaniram, aged 82 years, 3) Jadhav Narayan, aged 71 years, 4) Jadhav Chandrabhan, aged 70-years and 5) Rathod Baliram, aged 70 years all residents of Gulabthanda H/o Morekhandi village – they stated that both paternal and maternal forefathers of the applicant Rathod Sushma by birth living in Gulabthanda (Morkhandi) village since 1950. Paternal grandfather of applicant Rathod Sushma namely Rathod Jemla was married to Gangubai D/o Harisingh S/o Deepla in whose name there was land record of 1950 which shows that he was having an extent of 13 acres in Sy.No.19 in Gokonda sivar village. Name of Jemla S/o Bhaksha was recorded in 1961 Census and also names of both families were recorded in 1977 voter list.

5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted connected documents of the case along with para-wise remarks.

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7. Accordingly, vide reference 6th read above, the Appellant has attended the hearing on 05.09.2020 at 11.00 AM before the Government and submitted the documents as submitted along with appeal Petition.

8. The documentary evidences i.e. land records, family tree, certificates issued by the Tahsildar, Bazarhathnoor Mandal, panchanamas conducted by the VRO Morkhandi & MRI Bazarhathnoor and village elders declaration duly attested by the Sarpanch, GP Gulabthanda etc. amply speak about continuous residence of the appellant and her forefathers both from father and mother side living in Gulabthanda H/o Morkhandi village of Bazarhathnoor Mandal from before 1950.

9. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the appellant Rathod Sushma D/o Rama Rao and her fore-fathers have been continuously living in the agency village i.e. Gulabthanda (Morkhandi) from before 1950 and hence she is to be declared as Agency Area Local ST candidate and also treating the LSTAC issued by the Tahsildar, Bazarhathnoor bearing Rc.No.C/42/2016, dt.06.02.2016 to her, as valid.

10. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-53, dated 31.01.2020, and allow the Appeal Petition filed by Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District.

11. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Sushma D/o Rama Rao R/o Morkhandi village of Bazarhathnoor Mandal of Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER